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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,824	08/25/2003	Alan Packer	MSFT 5074 (303277.01)	2913
321	7590	05/18/2007	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/647,824

Applicant(s)

PACKER, ALAN

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20030825, 20041213, 22050503, 20050715, 20050928, 20060428, and 20070420.

Detailed Action

1. This Office Action is responsive to the Application SN 10/647,824 filed on 08/25/2003. Claims 1-62 are presented for examination.

Information Disclosure Statement

2. The information disclosure statements (IDSes) submitted on 08/25/2003, 12/13/2004, 05/03/2005, 07/15/2005, 09/28/2005, 04/28/2006 and 04/20/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings were received on 02/11/2004. These drawings are acceptable.

Claim Objections

4. Claims 60-62 are objected to because of the following informalities:

On lines 1-2 of claims 60-62: "A computer readable medium ..., said medium including instructions for" is suggested to be "A computer readable storage medium ...,

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said medium including instructions **stored thereon, when executed by a computer processor, to perform a method of** ~~[[fœr]]~~:"

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

7. It appears that claims 1-41 would be interpreted by one of ordinary skill as a system of software per se (i.e., system of instructions), failing to fall within a statutory category of invention. Examiner respectfully submits that "instructions" alone is just functional descriptive material, per se, thus lacking the necessary structure elements to be a "system" and support the instructions of claims 1-41 to be realized and to act as system components and perform/execute their functionality. As such, the system of "software" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claim is not limited to statutory subject matter and is therefore nonstatutory.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mastrianni (US 2002/0116641 A1).**

10. As to claim 1, **Mastrianni** teaches a system for handling an electronic communication, said system including instructions for:

receiving the communication (**paragraph [0042]**);

parsing the received communication (**paragraph [0039]**);

identifying URLs within the parsed communication (**paragraphs 0037] and [0039]**);

categorizing the identified URLs (**paragraphs [0037] and [0040]**); and

routing the communication as a function of the categorized URLs (**paragraphs [0037], [0040] and [0042]**).

11. As to claim 2, **Mastrianni** teaches the system of claim 1 wherein the received electronic communication comprises one or more electronic emails selected from the

group comprising: an email, an instant message or a chat room statement (**paragraph [0042]**).

12. As to claim 3, **Mastrianni** teaches the system of claim 1 further comprising rating the electronic communication as a function of its identified URLs and routing the electronic communication as a function of the rating of the electronic communication (**paragraphs [0037], [0040] and [0042]**).

13. As to claim 4, **Mastrianni** teaches the system of claim 3 wherein the rating comprises assigning a number to each identified URL based on its appropriateness or rating each identified URL as appropriate or inappropriate (**paragraphs [0040] and [0045]**).

14. As to claim 5, **Mastrianni** teaches the system of claim 4 wherein the electronic communication is not routed to an addressee when assigned number or the percentage of inappropriate URLs relative to the total of inappropriate and appropriate URLs of the electronic communication is greater than a threshold amount (**paragraphs [0040] and [0045]**).

15. As to claim 6, **Mastrianni** teaches the system of claim 5 wherein the threshold amount is a dynamic or weighted amount based on various factors (**paragraphs [0040] and [0045]**).

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16. As to claims 7-9, **Mastrianni** teaches the system of claim 5 wherein the threshold amount is at least approximately 50%, or at least substantially 10%, or greater than zero *(the threshold value dynamically changed/assigned by the manager or parent can be used to compare with the weighted value of the embedded material in the received message to determine if the received message is objectionable, i.e., to filter/restrict the received message)* (paragraphs [0040] and [0045]).

17. As to claim 13, **Mastrianni** teaches the system of claim 1 wherein the routing includes a policy including an allow/block logic which determines to route the electronic communication to the addressee when the policy indicates that the electronic communication passes the allow logic and fails the block logic and which determines to inhibit routing to the addressee when the policy indicates that the electronic communication fails the allow logic and passes the block logic (paragraphs [0037] and [0042]).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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19. Claims 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastrianni, in view of Goodman et al. (US 2005/0022008 A1), hereinafter "**Goodman**".

20. As to claims 10-12, **Mastrianni** teaches the system of claim 1, but does not explicitly teach looking up the category of each identified URL via a categorizing server system.

In an analogous art, **Goodman** teaches a system and method that facilitate extracting data from messages for spam filtering, wherein the parental control system can classify the mailto links, URL, or portion thereof by consulting one or more databases of URLs, mailto links, URL service names, URL paths, and Fully Qualified Domain Names FQDNs (e.g., such as the FQDN portions of URLs, email addresses, etc.) (**Goodman**, paragraphs [0098-0100]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of classifying/categorizing, i.e., looking up the category of each identified URL via a categorizing server, as disclosed by **Goodman**, into the teachings of **Mastrianni** to determine the proper classification of the message in order to take appropriate actions.

21. As to claim 14, **Mastrianni-Goodman** teaches the system of claim 1, wherein the identifying includes using an on-line look-up tool kit (**Goodman**, paragraphs [0073-0080]).

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22. Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastrianni, in view of Goodman, and further in view of Kester et al. (US 7,194,464), hereinafter "Kester".

23. As to claims 15-28, **Mastrianni-Goodman** teaches a system for controlling access to an electronic communication, but does not explicitly teach that electronic communication is a web page of a web site.

In an analogous art, **Kester** teaches a system and method for adapting an internet filter to control access to the website/page associated with a URL based on one or more categories that are associated with the URL by determining that category associated with the URL by referencing a master database or requesting the category of the URL from a database factory (**Kester, Abstract and col. 5, lines 25-67**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of controlling access to the website/page associated with a URL, as disclosed by **Kester**, into the teachings of **Mastrianni-Goodman** to determine the proper classification of the web site in order to take appropriate actions such as to allow or deny access to the Internet website/page associated with the URL.

24. As to claims 29-41, claims 29-41 recite system claims that contain similar limitations as system claims 1-14; therefore, they are rejected under the same rationale.

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25. As to claims 42-47, claims 42-47 recite corresponding client side hardware system claims of system claims 1-3, 10 and 13-14; therefore, they are rejected under the same rationale.

26. As to claims 48-53, claims 48-53 recite corresponding server side hardware system claims of system claims 1-3, 10 and 13-14; therefore, they are rejected under the same rationale.

27. As to claims 54-59, claims 54-59 recite corresponding server side hardware system claims of system claims 15-17, 24 and 27-28; therefore, they are rejected under the same rationale.

28. As to claims 60-62, claims 60-62 recite corresponding computer readable medium claims that contain similar limitations as system claims 1, 15, 29 and 36; therefore, they are rejected under the same rationale.

Conclusion

29. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

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30. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Patent Examiner
AU – 2141